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Docket No.: 0044XXXAX

**PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450; Alexandria, VA 22313-1450, on:

November 1, 2006

(date)

Lori G. Witkin

In re: Application of: Miklos STERN, et al.

Serial No. : 09/777,076

Group Art Unit: 2876

Filed : February 5, 2001

Examiner: T. Le

For : SCANNER DEVICES AND METHODS USING  
SURFACE EMITTING LASER DIODES

New York, New York  
November 1, 2006

**RESPONSE**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Official Action dated May 2, 2006, applicants submit a new Declaration claiming priority to U.S. Patent Application Serial No. 09/519,576, filed March 6, 2000, now U.S. Patent No. 6,257,491 issued to Tan.

Tan was relied on by the Examiner to reject all the pending claims. In view of the new Declaration, the rejections based on Tan are moot and should be withdrawn.

The original Declaration claimed the priority of U.S. Patent Application Serial No. 08/631,364, now U.S. Patent No. 6,059,188; U.S. Patent Application Serial No. 08/506,574, now U.S.

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Patent No. 6,102,294; U.S. Patent Application Serial No. 08/141,342, now abandoned, and U.S. Patent Application Serial No. 08/394,813, now abandoned. The Examiner correctly noted that none of these applications was copending when the instant application was filed on February 5, 2001.

However, the original Declaration should have claimed the priority of Tan which issued on July 10, 2001 and, hence, was copending with the instant application on February 5, 2001.

The new Declaration fixes that omission in the declaration.

Petition is hereby made for a three-month extension of the period to respond to the outstanding Official Action to November 2, 2006. A check in the amount of \$1,020.00, as the Petition fee, is enclosed herewith. If there are any additional charges, or any overpayment, in connection with the filing of the response, the Commissioner is hereby authorized to charge any such deficiency, or credit any such overpayment, to Deposit Account No. 11-1145.

If there is any fee for submitting the new Declaration, the Commissioner is authorized to charge said fee to the above noted deposit account.


The Examiner's cooperation is sought in ensuring that further correspondence is mailed to:

**CUSTOMER NO.: 000156**  
**Kirschstein, Ottinger, Israel & Schiffmiller, P.C.**  
**489 Fifth Avenue**  
**New York, New York 10017**

Wherefore, a favorable action is earnestly solicited.

Respectfully submitted,

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